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15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA

17 SAN FRANCISCO DIVISION

18 UNITED STATES OF AMERICA,

19 ) CASE NO. CR 14-0306 WHA

20 Plaintiff,

21 ) [PROPOSED] ORDER EXCLUDING TIME AND  
22 ) VACATING TRIAL AND MOTIONS' DATES

23 v.

24 LUKE D. BRUGNARA,

25 Defendant.

26 On February 9, 2015, the parties appeared before this Court for a hearing. The government was  
27 represented by Assistant United States Attorneys Robin Harris and Ben Kingsley. The defendant, who  
28 was not present and is currently a fugitive at large, was represented by attorney Erik Babcock. At this  
hearing, the Court vacated the February 26, 2015 trial date and the motions' hearing date of February 17,  
2015. The Court also vacated all filing deadlines associated with the February 26, 2015 trial date and  
the motions' hearing date of February 17, 2015.

29 Based on the unavailability of the defendant due to his status as a fugitive, the Court excluded  
30 time under the Speedy Trial Act from February 5, 2015 (the date on which defendant absconded) until  
31 the date on which defendant is captured and brought before a Federal Magistrate or Federal Judge for  
32

33 ORDER REGARDING TRIAL DATE AND TO EXCLUDE TIME [Proposed]  
34 CR 14-0306 WHA

further proceedings in this case. See 18 U.S.C. §§ 3161(h)(3)(A), 3161(h)(3)(B).

DATED: February 9, 2015

/s/  
ROBIN L. HARRIS  
BENJAMIN KINGSLEY  
Assistant United States Attorneys

## ORDER [Proposed]

The trial date of February 26, 2015 and the motions hearing date of February 17, 2015 are vacated due to the unavailability of the defendant who is currently a fugitive at large. The time from February 5 2015 (the date on which defendant absconded) until the date on which defendant is captured and brought before a Federal Magistrate or Federal Judge for further proceedings in this case is excluded from the Speedy Trial Act. *See* 18 U.S.C. §§ 3161(h)(3)(A), 3161(h)(3)(B).

## IT IS SO ORDERED.

DATED: February 9, 2015.

  
HON. WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE